

REMARKS

This paper is responsive to the Advisory Action issued on June 21, 2004. Claims 2 - 7 are pending in this application and have been rejected.

Amended claim 2 clearly distinguishes over US Patent 6,122,396 to King because King is a method for detecting a microorganism using a fluorescent microscope. In King it is the microorganism which is detected and examined. On the other hand, in the claims now presented, Applicant claims detecting the presence of colonies of microorganisms and the growth of the colonies. In Applicant's method, it is not a microorganism which is detected, but it is the colonies of microorganisms which are detected.

In Applicant's amended claim 3, Applicant has also defined over King because King uses a microscope apparatus (41) which places a lens between the stage assembly (52) and a detector (video camera (31), (40)). In claim 3, Applicant now requires that the illumination system consist of a beam expander placed between the laser beam and light emitting source, or a beam expander which consists of a concave and convex lens, as provided in claim 16. This apparatus is taught in Applicant's Figures 1, and 6, and is required for Applicant's invention which projects

S/N: 09/556,824

11/15/2004 Docket No.: SUD-115-USAP

light on to the detectors by detecting all microorganism colonies in its path, regardless of depth of location by projecting the colony directly onto the image sensor. This is not possible with King '396 which uses a microscope which necessarily has a depth of field and focus.

In view of the foregoing, it is respectfully submitted that the application is now in condition for allowance, and early action in accordance thereof is requested. In the event there is any reason why the application cannot be allowed in this current condition, it is respectfully requested that the Examiner contact the undersigned at the number listed below to resolve any problems by Interview or Examiner's Amendment.

Respectfully submitted,



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Date: November 15, 2004

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